

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 07, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

ERIC CHRISTIAN, ALYSSA CANTU,
and ALEJANDRO LEON,
Defendants.

Nos: 4:20-CR-06029-SAB-2
4:20-CR-06029-SAB-3
4:20-CR-06029-SAB-4

**ORDER GRANTING
DEFENDANT'S MOTION FOR
CONTINUANCE**

Before the Court are Defendant Cantu's Motion for Continuance, ECF No. 87 and Defendant Christian's Motion for Joinder, ECF No. 89. The motions were heard without oral argument. Defendant Christian is represented by Tim Nguyen; Defendant Cantu is represented by Gregory Scott; and Defendant Leon is represented by Nicholas Marchi. The United States is represented by Stephanie A. Van Marter.

Defendants ask that the pretrial conference and jury trial be continued. All three Defendants have filed a waiver of their Speedy Trial rights, ECF Nos. 88, 90, and 91. Given the limitations on discovery and jury trials caused by the COVID-19 pandemic, the Court finds good cause exists to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Cantu's Motion for Continuance, ECF No. 87, is **GRANTED**.

**ORDER GRANTING DEFENDANT'S MOTION FOR
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2. Defendant Christian's Motion for Joinder, ECF No. 89, is **GRANTED**.

3. The current trial date of January 4, 2021 is stricken and **reset for May 24, 2021**, at **9:00 a.m.** commencing with a **final** pretrial conference at **8:30 a.m.** The trial and final pretrial conference will be in **Richland**, Washington.

4. The pretrial conference set for December 16, 2020, is **continued to May 5, 2021**, at **11:00 a.m.**, in **Yakima**, Washington. Counsel shall advise the Court regarding any dispositive change in the status of this case at least 5 days prior to the pre-trial conference. Any motion to continue the pre-trial conference or trial shall be filed at the earliest practicable opportunity, but no later than seven (7) days prior to said proceeding. Movant shall provide (1) specific and detailed reasons for the continuance to permit the Court to make the necessary findings; (2) if applicable, the Defendant's signed Speedy Trial Waiver; (3) the position of opposing counsel; and (4) the proposed new date. Continuances are not granted absent good cause.

5. All pretrial motions shall be filed on or before **April 5, 2021**.

6. The Court finds, given the outbreak of the COVID-19 virus, that rescheduling hearings set in the near future would result in minimizing undue risk to defendants, counsel, law enforcement, Court staff, and the public at large. The Court also finds current public health advisories reduce the Court's ability to obtain an adequate spectrum of jurors and curtails the availability of counsel and Court staff to be present in the courtroom. *See* Eastern District of Washington General Order 20-101-13. The Court, therefore, finds the ends of justice served by resetting hearings in all criminal matters during this period outweigh the best interest of the public and defendants in speedy trials, and the period of delay attributable to this Order will be excluded from Speedy Trial Act calculations.

Thus, pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between January 4, 2021, the current trial date, until May 24, 2021, the new trial date, is **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy Trial Act. The

1 Court finds that the ends of justice served by such a continuance outweigh the
2 public's and Defendants' interest in a speedy trial.

3 7. Pursuant to the Due Process Protections Act, the Court reminds the
4 United States of its obligations to produce exculpatory evidence pursuant to *Brady*
5 *v. Maryland*, 373 U.S. 83 (1963), and its progeny. Failing to do so in a timely
6 fashion could result in consequences, including, but not limited to, exclusion of
7 evidence, adverse jury instructions, dismissal of charges, and sanctions by the
8 Court.

9 8. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit
10 lists, expert witness lists, and summaries of expert testimony shall be filed and
11 served by all parties on or before **seven (7) calendar days prior to trial**. This does
12 not modify the parties' discovery obligations under Fed. R. Crim. P. 16. Absent an
13 agreement between the parties or an Order from the Court, the parties' Fed. R.
14 Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule 16.

15 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
16 enter this Order and furnish copies to counsel.

17 **DATED** this 7th day of December 2020.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

23 Stanley A. Bastian
24 United States District Judge
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